

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TERESA ALTHOFF,)
Plaintiff,)
v.)
THE UNITED STATES OF AMERICA,)
SCOTT BRANNAN, M.D.,)
CAPE RADIOLOGY GROUP. P.C.,)
and SOUTHERN ILLINOIS HOSPITAL)
SERVICES, d/b/a MEMORIAL)
HOSPITAL OF CARBDONALE,)
a corporation,)
Defendants.)
No. 3:14-CV-00131-MJR-PMF
JURY TRIAL DEMANDED

**FIRST AMENDED SEPARATE ANSWER AND CROSS-CLAIM OF CAPE
RADIOLOGY GROUP, P.C.**

COMES NOW Defendant Cape Radiology Group, P.C. (“Cape Radiology”) and, for its First Amended Separate Answer and Cross-Claim in response to Plaintiff’s Complaint states as follows:

ANSWER TO COUNT I (United States of America)

Cape Radiology makes no response to the allegations of Count I of Plaintiff's Complaint, as said count is not directed against it. To the extent any allegations of fact are intended to be directed against Cape Radiology, those allegations are expressly denied.

ANSWER TO COUNT II (Scott Brannan, M.D.)

Cape Radiology makes no response to the allegations of Count II of Plaintiff's Complaint, as said count is not directed against it. To the extent any allegations of fact are intended to be directed against Brannan, those allegations are expressly denied.

ANSWER TO COUNT III
(Cape Radiology Group, P.C.)

1. Cape Radiology is without sufficient information or belief to admit or deny the allegations of paragraph 1 of Count III of Plaintiff's Complaint and therefore denies the same.

2. Cape Radiology admits that Dr. Brannan was a medical doctor, that he was licensed to practice medicine in the State of Illinois, and was an employee of Cape Radiology, P.C. at the times referenced in Plaintiff's Complaint. Cape Radiology denies the remaining allegations of paragraph 2 of Count III of Plaintiff's Complaint.

3. Cape Radiology admits that Southern Illinois Hospital Services, d/b/a Memorial Hospital of Carbondale, was doing business in Illinois at the times referenced in Plaintiff's Complaint. Cape Radiology denies that Scott Brannan, M.D. was an agent, servant, or employee of Southern Illinois Hospital Services. Cape Radiology is without sufficient information or belief to admit or deny the remaining allegations of paragraph 3 of Count III of Plaintiff's Complaint and therefore denies the same.

4. Cape Radiology is without sufficient information or belief to admit or deny the allegations of paragraph 4 of Count III of Plaintiff's Complaint and therefore denies the same.

5. Cape Radiology is without sufficient information or belief to admit or deny the allegations of paragraph 5 of Count III of Plaintiff's Complaint and therefore denies the same.

6. Cape Radiology admits that Dr. Brannan treated Teresa Althoff at Carbondale Memorial Hospital. Cape Radiology denies the remaining allegations of paragraph 6 of Count III of Plaintiff's Complaint.

7. Cape Radiology denies the allegations of paragraph 7 of Count III of Plaintiff's Complaint, including the allegations of sub-paragraphs a), b) and c).

8. Cape Radiology denies the allegations of paragraph 8 of Count III of Plaintiff's Complaint and therefore denies the same.

**ANSWER TO COUNT IV
(Southern Illinois Hospital Services d/b/a Carbondale Memorial Hospital)**

Cape Radiology makes no response to the allegations of Count IV of Plaintiff's Complaint, as said count is not directed against it. To the extent any allegations of fact are intended to be directed against Cape Radiology, those allegations are expressly denied.

WHEREFORE, having fully answered, Defendant Cape Radiology Group, P.C. prays to be dismissed with his costs or, alternatively, that the fault of all parties, individuals, and entities be determined and apportioned.

CROSS-CLAIM AGAINST THE UNITED STATES OF AMERICA

1. Plaintiff Teresa Althoff has filed this lawsuit against Defendants The United States of America, Scott Brannan, M.D., Cape Radiology Group, P.C., and Southern Illinois Hospital Services d/b/a Carbondale Memorial Hospital and claims that she has sustained injury and damages on account of certain alleged acts of negligence during the course of medical treatment.

2. Defendant Cape Radiology Group, P.C. denies that it is liable for the injuries allegedly sustained by Plaintiff.

3. Pleading hypothetically and in the alternative, in the event that Defendant Cape Radiology Group, P.C. is found liable to Plaintiff, it is entitled to contribution from co-defendant United States of America on the grounds that he was negligent in more or more of the following acts or omissions by its agents and employees, including but not limited to Donald Bishop, M.D.:

- a. Negligently and carelessly causing a perforation to Plaintiff's colon during laparoscopic surgery on November 15, 2011;

b. Negligently and carelessly failing to diagnose colon perforation during the laparoscopic surgery on November 15, 2011.

4. Pleading hypothetically and in the alternative, one or more of the aforesaid acts or omissions proximately caused the alleged injuries and damages that are the subject of Plaintiff's Complaint.

5. In the event Cape Radiology Group, P.C. is found liable to Plaintiff, which liability is specifically denied, then it is entitled to contribution from The United States of America pursuant 740 ILCS 100/0.01, *et seq.* and in an amount commensurate with its pro rata share of liability as determined by the jury.

WHEREFORE, Defendant Cape Radiology Group, P.C. prays that, in the event it is found liable to the Plaintiff, that it have contribution from Defendant The United States of America in such amount as may be determined by the jury based on the relative liability of all parties to this suit.

DEFENDANT DEMANDS A TRIAL BY JURY.

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

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*Attorneys for Defendant Scott Brannan, M.D. and
Cape Radiology Group, P.C.*

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 9th day of September, 2014 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system on the following: **Samantha Unsell**, Keefe & Keefe, P.C., Attorneys for Plaintiff, #6 Executive Woods Court, Belleville, IL 62226, Attorney for Plaintiff; **John C. Ryan and Kara L. Jones**, Feirich, Mager, Green & Ryan, 2001 West Main, Suite 101, PO BOX 1570, Carbondale, IL 62903, Attorneys for Southern Illinois Hospital Services; and **David J. Pfeffer**, Assistant United States Attorney, United States Attorney's Office, Nine Executive Drive, Fairview Heights, IL 62208.

/s/ Ryan J. Gavin

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